NPL-033-3-7-4-R10

PORT OF PORTLAND

September 22, 2000

Docket Coordinator, Headquarters
U.S. Environmental Protection Agency
CERCLA Docket Office
1235 Jefferson Davis Highway
Crystal Gateway #1, First Floor
Arlington, VA 22202

Re: Port of Portland Comments on the National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 33, 65 FR 46131 (July 27, 2000).

Dear Docket Coordinator:

The Port of Portland (Port) appreciates the opportunity to comment on the National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 33, 65 FR 46131 (July 27, 2000), which proposes to add the Portland Harbor to the National Priorities List (NPL).

The Port was created by the Oregon Legislature in 1891 to dredge a shipping channel from Portland to the ocean. The Port is a regional government covering a tri-county area in Oregon. It is directed by a nine-member commission appointed by Oregon's governor and ratified by the state Senate. The Port currently owns and operates five marine terminals, four airports, and seven business parks, in addition to being the primary non-federal sponsor for the deep draft navigation channel.

The Port supports the proposed listing of the Portland Harbor and believes that remediation and restoration of the Harbor in a cost-effective and timely manner, fully protective of human health and the environment, is supported by the Port's environmental policy. This policy states that the Port will "achieve its mission through responsible environmental stewardship and the implementation of proactive environmental programs." In addition, the Port is willing to begin discussions with the Environmental Protection Agency (EPA) on a Remedial Investigation/Feasibility Study (RI/FS) Work Plan, once the listing is completed, if not sooner.

While the Port supports the proposed listing of the Portland Harbor, it has concerns about some of the assumptions made in the Hazardous Ranking System (HRS) Documentation

Record,[1] the basis for the proposed listing. The Port's concerns center around six issues. These issues include 1) the definition of site boundaries, 2) use of a preliminary study, 3) sediment deposition and transport processes, 4) the definition of background concentrations, 5) use of default risk assessment factors, and 6) identification of potentially responsible parties (PRPs). These issues are discussed in more detail below.

SPECIFIC COMMENTS

1. EPA's HRS Document Record should be consistent with EPA's National Priority Listing (NPL) guidance.

EPA's NPL guidance, entitled "Clarification of NPL Listing Policy" states that the

> National Priorities List does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (as the mere identification of releases), for it to do so. . . . EPA regulations provide that the nature and extent of the threat posed by a release will be determined by an RI/FS as more information is developed on site contamination (40 CFR 300.68(d)).[2]

In contrast, the HRS Documentation Record indicates that the "site consists of contaminated sediments from River Mile 3.5 to River Mile 9.2 of the Willamette River in Oregon."[3] It further states that "The Target Distance Limit begins at SI sediment sample point SD 150 located at RM 9.2 in Portland Harbor on the Willamette River to the river's confluence with the Columbia River, and continues in the Columbia River for an additional 5.8 miles."[4] These descriptions are precise geographical terms, contrary to EPA "Clarification of NPL Listing Policy" guidance.

As the guidance suggests, the purpose of the RI/FS is to scientifically investigate the nature and extent of the threat of the release. Until the RI/FS is completed, using a risk-based investigative approach, the Port believes it is premature to conclude that the contamination is located between River Mile (RM) 3.5 and RM 9.2.

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[1] HRS Documentation Record (HRS) for Portland Harbor, NPL-U33-2-7-R10, May 15, 2000.

[2] Memorandum by Stephan D. Luftig of the USEPA, written on August 3, 1995, entitled "Clarification of NPL Listing Policy."

[3] HRS Document Record, page 3.

[4] HRS Document Record, page 47.

Recommendation

The results of the RI/FS should be used to define the Portland Harbor Superfund site boundaries.

2. Conclusions about the degree and nature of juvenile anadromous fish rearing within the proposed Portland Harbor Superfund site should not be reached prematurely.

The HRS Documentation Record states that, "The Lower Reach of the Willamette River to Willamette Falls provides . . . juvenile rearing habitat for several anadromous fish species."[5] The Port has two concerns about this statement. First, this statement is based on the Preliminary Natural Resource Survey[6] (PNRS), which by its nature is incomplete and moreover, includes unsupported statements. Second, when this statement was referenced in the HRS Documentation Record, it was not adequately qualified. While the PNRS contains this statement without caveat on page one of the PNRS, it is qualified within the body of the PNRS. For example, page four of the PNRS states that, "Based on the small size of juveniles caught at collection facilities at Leaburg on the McKenzie River, it is *probable* (emphasis added) that many of the naturally produced spring Chinook in Willamette sub-basins emigrate to the lower reaches of tributaries and the mainstem Willamette River to complete rearing before smolting (ODFW 1990)." The PNRS further qualifies this statement on page five as follows: "Electrofishing catches from 1987 indicated that some juveniles *might* (emphasis added) over-winter in the lower Willamette River." Because the degree and nature of juvenile anadromous fish rearing within the proposed Portland Harbor Superfund site is not generally understood, these kinds of conclusions should not be reached prematurely.

Recommendation

The nature and extent of information needed regarding juvenile anadromous fish rearing should be determined in the RI/FS and any conclusions reached should be based upon data collected and analyzed in that process.

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[5] HRS Document Record, page 47.

[6] Preliminary Natural Resource Survey, NOAA, 1999.

3. The erosion, transport and deposition of sediments in the Willamette River is not adequately understood at this time.

The HRS Documentation Record states, "The river segment between RM 2 and RM 10 is the primary depositional area of the Willamette River System." There is no support cited for this statement. However, the Port agrees that sediment transport and deposition within the Willamette River is an important component of a RI/FS. Moreover, sediment transport and deposition RI/FS studies should consider tidal influences, shipping and dredging impacts, sediment characterization, current and potential future risks posed by sediments, storm and flood events, and erosional processes in the design of appropriate remediation programs. Because the sediment transport and deposition in the Willamette River is not known or understood at this time, the Port supports the adequate study of the sedimentation process in the RI/FS.

Recommendation

The sedimentation process should be adequately studied in the RI/FS.

4. EPA's CERCLA risk assessment guidance should be used to select background concentrations in the RI/FS.

While it is unclear from the HRS Documentation Record, it appears that EPA defined background concentrations as the lowest detected or non-detected concentrations. This approach may be appropriate in the HRS process, but it differs from the CERCLA risk assessment guidance, which includes, but is not limited to, "Guidance for Conducting Remedial Investigation and Feasibility Studies under CERCLA,"[7] "Risk Assessment Guidance for Superfund: Volume 1, Human Health Evaluation Manual (Part A)"[8] and "Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments."[9] The Port endorses use of the CERCLA guidance in selecting the background concentrations that will be used in the RI/FS.

Recommendation

EPA's CERCLA risk assessment guidance should be the basis for selecting the background concentrations that will be used in the RI/FS.

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[7] "Guidance for Conducting Remedial Investigation and Feasibility Studies under CERCLA." Interim Final EPA/540/G-89/004, OSWER Directive 9355.3-01, October 1998.

[8] "Risk Assessment Guidance for Superfund: Volume 1, Human Health Evaluation Manual (Part A)." Interim Final. EPA/540/1/1-89/002, Office of Emergency and Remedial Response, December 1989.

[9] "Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments." Interim Final. U.S. Environmental Protection Agency Environmental Response Team, Edison, N.J. June 1997.

5. Site-specific pathways and exposure should be considered when assessing the threat to the human food chain and ecosystem in the RI/FS Work Plan.

The Port recognizes that it is appropriate to use default toxicity, persistence and bioaccumulation factors in the assessment of threat to the human food chain and ecosystem from contaminants measured in Harbor sediments in the HRS Documentation Record. While this approach is standard in the HRS process, the Port believes a site-wide risk-based RI/FS will require consideration of site-specific pathways and exposure. Therefore, the Port recommends that the Work Plan for the RI/FS define the risk assessment process that will be used to select the actual risk assessment parameters.

Recommendation

The RI/FS Work Plan should outline the risk assessment process that will be used to select the actual risk assessment parameters.

6. A full evaluation of PRPs should be completed during the RI/FS.

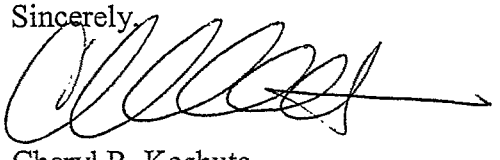
The HRS Documentation Record states that "up to 17 industrial operations have been identified as potential sources of contamination to Portland Harbor between RM 3.5 and RM 9.2; however, since not all sources of contamination to this river segment have been thoroughly investigated, the site is being evaluated as contaminated sediments with no identified source."[10] The Oregon Department of Environmental Quality has already identified more than fifty (50) PRPs and in such a large basin there are potentially many more industrial, municipal and agricultural sources of contamination. As a result, a full evaluation of PRPs should be completed during the RI/FS.

Recommendation

A full evaluation of PRPs should be completed during the RI/FS.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (503) 944-7236.

Sincerely,



Cheryl R. Koshuta
Corporate Environmental Manager

[10] HRS Documentation Record, page 1.